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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,794	11/19/2003	John James Daniels	1084-0002	6787

7590 03/20/2007
Michaud-Duffy Group LLP
306 Industrial Park Road, Suite 206
Middletown, CT 06457

EXAMINER

LIN, JAMES

ART UNIT	PAPER NUMBER
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1762

MAIL DATE	DELIVERY MODE
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03/20/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/716,794

Applicant(s)

DANIELS, JOHN JAMES

Examiner

Jimmy Lin

Art Unit

1762

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 February 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☒ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-3, 8, 9 and 18.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See attached sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

Art Unit: 1762

Box 11:

Applicant's arguments filed 2/20/2007 have been fully considered but they are not persuasive.

The Applicant argues on pg. 8 that Rorison discloses cross-linking for giving a uniform alignment direction, rather than disclosing any effect on the concentration of the light active material or the polymer. However, the concentration of the light active material or polymer is inherent in the process of Rorison. Upon selective cross-linking, the polymerized EL portion would contain the light active material in a matrix of polymer material. The matrix of polymer material would necessarily have portions containing the light active material and portions that lack the light active material. The portions containing the light active material has been interpreted to be a concentration of the light active material at the first region while the portions lacking the light active material has been interpreted to be a concentration of polymer at the second region.

The Applicant argues on pg. 9 that a failure of an electroluminescent composition to react before or after curing is not the same as selectively cross-linking the monomer and nowhere does Krohn expressly disclose selectively cross-linking the monomer in the EL composition. However, Rorison teaches selectively fixing parts of the fluid matrix (pg. 12, last paragraph) while Krohn teaches cross-linking of monomers using UV light.

The Applicant argues on pg. 9 that the Examiner has not provided any evidence that the monomer in Krohn's EL composition will inherently be selectively cross-linked to form concentrated regions of light active material. However, selective fixing is taught by Rorison and the inherency of concentration regions is discussed above.

The Applicant argues on pg. 9 that the method of Rorison discloses cross-linking the emitter materials utilizing UV light to "give a uniform direction" and in contrast Krohn discloses applying an EL composition comprising a monomer to a substrate followed by curing the EL composition using UV light. However, the Applicant is directed to the last two paragraphs of pg. 12 of Rorison. The fluid matrix can be fixed by irradiating the matrix with UV light. Accordingly, Krohn teaches that cross-linking via irradiation of UV light can fix a fluid matrix.


TIMOTHY MEEKS
SUPERVISORY PATENT EXAMINER